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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LADDA BOONLERT,

Defendant.

CASE NO: 2:19-cr-315-JAD-NJK

STIPULATION TO VACATE AND
CONTINUE SENTENCING HEARING
(FIRST REQUEST)

It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Michael J. Miceli, Esq., counsel for Defendant Ladda Boonlert, that the Rule 32 sentencing hearing for Boonlert, previously scheduled for October 27, 2020, at 10:00 a.m., be vacated and continued until a time convenient to the Court, but no earlier than 90 days from the current setting.

This Stipulation is entered into for the following reasons:

1. On July 21, 2020, the Court set this matter for a Rule 32 sentencing hearing at 10:00 a.m. on October 27, 2020. ECF No. 67.
2. On March 30, 2020, the Chief Judge for the District of Nevada entered Temporary General Order 2020-05, regarding Authorization for Video and Teleconferencing Under the CARES Act and the Exigent Circumstances Created by

1 COVID-19 and Related Coronavirus (hereinafter “General Order”). On September 25,
2 2020, the General Order was extended through December 28, 2020.

3 3. The General Order addresses the material effect upon the functioning of the
4 Court brought on by the current state of emergency arising from the COVID-19 and
5 Coronavirus pandemic, finding, among other things, that for the duration of the General
6 Order, in-person Rule 32 felony sentencing hearings cannot be conducted in the District of
7 Nevada without seriously jeopardizing the public health and safety. The General Order
8 further provides that Rule 32 sentencing hearings may, with the consent of the defendant
9 (upon advice of counsel), proceed by video or teleconference in individual cases, provided
10 that the presiding Court specifically finds that to delay the matter further will cause serious
11 harm to the interest of justice. *See also* CARES Act, H.R. 748, Public Law No. 116-136.

12 4. The defendant desires an in-person Rule 32 sentencing hearing and the parties
13 agree that further delay to accommodate an in-person hearing will not cause serious harm to
14 the interests of justice. Accordingly, a continuance of the Rule 32 sentencing hearing for a
15 period of at least 90 days from October 27, 2020—which is outside the duration of the
16 General Order—is appropriate.

17 5. Defendant is not in custody and agrees to the proposed continuance.

18 6. This is the first request for continuance of the Rule 32 sentencing hearing.
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1 WHEREFORE, the parties respectfully request that the Court accept this Stipulation
2 and enter an Order vacating the current setting of October 27, 2020, for Rule 32 sentencing
3 hearing, and continue the hearing to a date and time convenient to the Court but not less
4 than 90 days from October 27, 2020. The parties attach a Proposed Order for the Court's
5 consideration.

6 DATED this 22nd day of October, 2020.

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8 NICHOLAS A. TRUTANICH
United States Attorney

9 By: s/ Jim W. Fang
10 JIM W. FANG
Assistant United States Attorney

By: s/ Michael J. Miceli
MICHAEL J. MICELI, ESQ.
Counsel for Defendant BOONLERT

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ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties agree to the continuance requested in the Stipulation.
2. Defendant is not in custody and does not object to the continuance.
3. The Court adopts and incorporates herein in full, District of Nevada, Temporary General Order 2020-05 of March 30, 2020 (extended on September 25, 2020), regarding Authorization for Video and Teleconferencing Under the CARES Act and the Exigent Circumstances Created By COVID-19 and Related Coronavirus (hereinafter “General Order”), including the finding that in light of the current state of emergency brought on by the COVID-19 pandemic, and during the time the General Order is in effect, the Court cannot conduct an in-person Rule 32 sentencing hearing without serious risk to the health and safety of the public and the parties involved in this matter.
4. Defendant desires an in-person Rule 32 sentencing hearing and no facts have been presented to the Court to show that further delay of the hearing will seriously harm the interests of justice in this case.

IT IS THEREFORE ORDERED:

2. The Rule 32 sentencing hearing in this matter will commence on February 1, 2021, at 10:00 a.m.

By: JENNIFER A. DORSEY
JUDGE JENNIFER A. DORSEY
UNITED STATES DISTRICT COURT JUDGE